GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department - Reinstate Sri K.Srivekar Rao, Ex-ARPC-819, Visakhapatnam City into service with immediate effect - Orders - Issued.

HOME (SERVICES-II) DEPARTMENT

G.O.Rt.No.477 **Dated:03.05.2023**

Read the following:-

1) From the Director General of Police, A.P., Mangalagiri, Letter Rc. No. 786/T3/2020, dated.19.02.2021.
2) Govt., Memo.No.15183/Ser.II/A2/2020, Home (Ser.II) Dept., dated. 24.03.2021.
3) Orders dated:20.08.2022 of the Hon'ble High Court of Andhra Pradesh in WP No.511/2022.
4) Govt., Memo.No.15183/Ser.II/A2/2020, Home (Ser.II) Dept., dated. 22.09.2022.
5) From the Director General of Police, A.P., Mangalagiri, Letter Rc. No.1123/T3/2022, dated.13.03.2023

***

In the reference 5th read above, the Director General of Police, A.P., Mangalagiri has stated that Sri K.Srivekar Rao, ARPC-819, Visakhapatnam City was handed upon with a Major Charge under Rule-20 of APCS (CC&A) Rules, 1991, vide C.No.11/PR/2017, dated. 14.11.2017, for the following delinquency :-

Article of charge:

"Assistant Commissioner of Police, City Armed Reserve, Visakhapatnam City in his P.E. Report dated:08-09-2017 and supplementary evidence, dated: 13-10-2017 reported that the complainant Smt. N.Jayalakshmi stated that the Government Servant had taken an amount of Rs.1,00,000/- as a loan and three tulas of Gold ornaments from her. The cheque which was issued for an amount of Rs.30,000/- by Government servant in favour of Smt. N.Jaya lakshmi was bounced by the HDFC Bank due to insufficient balance. On that she filed a private case in the Court of II ACMM, Visakhapatnam under N.I Act and the Government Servant was convicted U/s 138 NI Act on 21-06-2011. The Criminal Appeal filed by the Government Servant vide Crl.Appeal No. 76/2011 was dismissed also on 17-06-2016 in the Court of II Additional Metropolitan Sessions Judge, Visakhapatnam.

As per Rule 8 of APCS (Conduct) Rules, 1964, Govt employee shall not lend or borrow money to any person at interest or in any manner thereby return in money or kind is charged or paid.

"Thus Government Servant exhibited gross misconduct of duty in borrowing amount from a civilian by name Smt.N.Jayalakshmi and the cheque which was issued by the Govt.servant for an amount of Rs.30,000/- has been bounced by the HDFC Bank due to insufficient balance., thus he violated the Rule 8 of APCS [Conduct] Rules,1964.

2. During the Oral Enquiry, the Charge held "**Proved**". The Commissioner of Police, Visakhapatnam City duly following the due procedure had awarded the penalty of "**Dismissal from Service**", vide Proceedings dt.11-06-2019. His Appeal petition was rejected by the Director General of Police, AP., vide Proceedings dated. 01.04.2020 and the Revision petition was also rejected by the Government vide Memo 2nd read above.

[P.T.O]

3. Aggrieved by the above orders, he filed WP No.511/2022 before the Hon'ble High Court of A.P., with a prayer to set aside the dismissal orders. The Hon'ble High Court of A.P., vide order 3rd read has passed the following:

> "Having regard to the facts and circumstances of the case, the impugned Memo dated.24.03.2021 issued by the 1st respondent is set aside and the matter is remanded to the 2nd respondent for conducting afresh enquiry, by giving an opportunity to the petitioner, and pass appropriate orders in accordance with law, within a period of two (2) months from the date of receipt of a copy of this order, as the petitioner was acquitted in the criminal case".

4. Accordingly, a fresh enquiry was conducted by the Additional Deputy Commissioner of Police, Visakhapatnam and submitted enquiry report on 30.01.2023, since no material to analyze the evidence on behalf of the prosecution as the main witness-1 Smt. N.Jayalakshmi unwilling to attend the O.E., on the ground that the matter was already settled, cleared the amount; and in the wake of acquittal orders of the Hon'ble High Court of AP, the E.O., come to a conclusion that the Article of charges framed against the Ex-PC are 'Not proved'.

5. The Director General of Police, A.P., has requested the Government to issue orders in the matter, based on the fresh inquiry report.

6. In view of the above circumstances reported by the Director General of Police, A.P., Mangalagiri, Government after careful examination of the entire case, hereby order to reinstate Sri K.Srivekar Rao, ARPC-819, Visakhapatnam City into service with immediate effect by imposing penalty of 'PPI for two years without effect on his future increments and pension'. The suspension period if any and the out of employment period from the dismissal date to till he assumes as ARPC shall be treated as 'Not on duty' for all purposes. In future, if the individual repeats any delinquency, harsh punishment shall be imposed against him.

7. The Director General of Police, A.P., Mangalagiri, is requested to take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARISH KUMAR GUPTA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, A.P., Mangalagiri (along with original enclosure)
Copy to:
The Commissioner of Police, Visakhapatnam City, Visakhapatnam.
The Government Pleader for Ser.I, High Court of A.P., Amaravathi.
The OSD to Minister (Home).
The P.S. to Principal Secretary to Govt.(Home).
SF/SCs.

//Forwarded::By Order//

SECTION OFFICER.